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6 Attorneys for Defendants  
THE REGENTS OF THE UNIVERSITY OF  
CALIFORNIA, ROBERT BIRGENEAU,  
7 CONSTANCE PEPPERS CELAYA, ADAN  
TEJADA, VICTORIA HARRISON, ALLAN  
8 KOLLING, TOM KLATT and SUSAN VON  
SEEBURG  
9

10 UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
11

12 CHRISTINE CHANG, individually and as  
Guardian ad Litem for ERIC SUN,  
13 disabled,  
14

15 Plaintiff,  
16

17 v.  
18

19 ROCKRIDGE MANOR  
CONDOMINIUM, et al.,  
20

21 Defendants.  
22

Case No. C-07-4005 EMC

**DECLARATION OF GAYLYNN KIRN  
CONANT IN SUPPORT OF  
MOTION/APPLICATION FOR RELIEF  
FROM DEFAULT**

Date: November 28, 2007  
Time: 10:30 a.m.  
Courtroom: C  
Judge: Magistrate Judge Edward M. Chen

23 I, GAYLYNN KIRN CONANT, declare and state as follows:

24 1. I am an attorney and partner at Lombardi, Loper & Conant LLP, attorneys of  
record for The Regents of the University of California,, Robert Birgeneau, Constance Peppers  
25 Celaya, Adan Tejada, Victoria Harrison, Allan Kolling, Tom Klatt and Susan Von Seeburg in the  
above-referenced matter. I have personal knowledge of all facts stated herein and could  
26 competently testify thereto if called upon as a witness.

27 2. On Monday, October 8, 2007, I reviewed an assignment letter and a copy of a  
Summons and Complaint in the instant action from Jim Taylor of Sedgwick Claims Services  
28 which arrived at my office on October 4, 2007 according to our firm's received stamp. I was out

DECLARATION OF GAYLYNN CONANT  
C-07-4005 EMC

1 of the office on October 4 and Friday, October 5 due to a hearing on another matter in San Luis  
2 Obispo County.

3 3. The assignment letter did not indicate whether or not any of the University  
4 defendants had been served. Accordingly, within a day of receipt of the complaint, I researched  
5 the issue and learned that the electronic Court docket showed that plaintiff Christine Chang had  
6 filed an apparent proof of service showing that each of the University defendants had been  
7 personally served on September 7, 2007. Given that the named defendants were located in  
8 several different locations, I suspected the information suggesting that all of the defendants had  
9 been *personally* served was inaccurate. Thus, I contacted defendants and The Office of General  
10 Counsel to determine the actual service status and it several of the defendants had not been  
11 properly served with Summons and Complaint. [See Von Seeburg, Tejeda, Klatt, and Celaya  
12 Declarations]. Moreover, there is no indication that Plaintiffs ever attempted to serve The  
13 Regents of the University of California at the appropriate location.

14 4. Meanwhile, on October 10, 2007 I was advised that several of the University  
15 defendants had received a "Motion for Default Judgment Be Entered" from Plaintiffs via mail.  
16 As plaintiff had not filed anything in the case electronically, I caused copies of all of the "default  
17 motions" and related documents to be retrieved by a copy service and I received the motions on  
18 Monday, October 15, 2007.

19 5. As there appeared to be multiple defenses to the claims asserted against the  
20 University defendants and it appeared that several of the University defendants had not been  
21 properly served with Summons and Complaint based upon my research the week of October 8, I  
22 promptly began preparation of a Motion to Dismiss pursuant to Federal Rule of Civil Procedure  
23 12(b)(6) or, in the alternative, for a more definite statement pursuant to FRCP 12(e), as well as  
24 the instant motion/application for relief from default.

25 6. The motion to dismiss, and the instant motion/application for relief from default  
26 were filed as quickly as possible given my existing case load and calendar of last week which  
27 included a deposition in Sacramento on October 10, a deposition in Redwood City on October 12  
28 and a telephonic deposition on October 17.

1 I declare under penalty of perjury that the foregoing is true and correct. Executed this 17<sup>th</sup>  
2 day of October 2007 in Oakland, California.

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5 GAYLYNN KIRN CONANT

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